

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

TAMARA TOWNSEND

PLAINTIFF

v.

Case No. 4:12-cv-722-KGB

UNITED STATES OF AMERICA

DEFENDANT

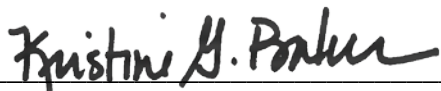
ORDER OF DISMISSAL

Plaintiff Tamara Townsend brings this action against the United States of America pursuant to the Federal Tort Claims Act alleging legal malpractice against Assistant Federal Public Defender Christopher A. Tarver, who was her appointed counsel in a previous federal criminal case. The United States has moved to dismiss the complaint for lack of subject matter jurisdiction (Dkt. No. 2).

In response, Ms. Townsend concedes that “the Federal Public Defender Organization is not an employee of the government when . . . perform[ing] professional services in the course of providing professional representation under Section 3006A of Title 18, U.S.C. 2671” (Dkt. No. 4). Ms. Townsend also concedes that the alleged “acts of negligence by AFPD Tarver [are] excepted from the Federal Tort Claims Act” (Dkt. No. 4). Finally, Ms. Townsend requests that the Court dismiss the complaint without prejudice.

The United States’ motion to dismiss is conceded and granted (Dkt. No. 2). Accordingly, Ms. Townsend’s complaint is dismissed without prejudice. Judgment will be entered accordingly.

SO ORDERED this the 25th day of February, 2013.



Kristine G. Baker
United States District Judge